

21 C.J.S. Courts § 94

Corpus Juris Secundum | May 2023 Update

Courts

M. Elaine Buccieri, J.D.; James Buchwalter, J.D.; Amy G. Gore, J.D., of the staff of the National Legal Research Group, Inc; and Lonnie E. Griffith, Jr., J.D.

II. Jurisdiction of Courts

J. Objections to Jurisdiction; Estoppel or Waiver of Objections

§ 94. Objections to subject matter jurisdiction; waiver of objections

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

West's Key Number Digest, [Courts](#)  37(1)

**The requirement of subject matter jurisdiction cannot be waived by any party and the objection may be raised at any time and at any stage of the proceedings, including on appeal.**

The requirement of subject matter jurisdiction cannot be waived by any party and cannot be conferred by any party's waiver or consent.<sup>1</sup> The absence of subject matter jurisdiction may be raised at any time,<sup>2</sup> and at any stage of the proceedings,<sup>3</sup> including by the court's own motion,<sup>4</sup> and even after judgment<sup>5</sup> and for the first time on appeal.<sup>6</sup> The failure to object or demur to subject matter jurisdiction is immaterial.<sup>7</sup>

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Footnotes

- 1                                    § 71.
- 2                                    Cal.—*In re Marriage of Cecilia and David W.*, 241 Cal. App. 4th 1277, 194 Cal. Rptr. 3d 559 (4th Dist. 2015).
- Colo.—*People In Interest of P.K.*, 2015 COA 121, 2015 WL 5042712 (Colo. App. 2015), cert. granted, (Feb. 16, 2016).
- Conn.—*Fairfield Merrittview Ltd. Partnership v. City of Norwalk*, 320 Conn. 535, 2016 WL 730546 (2016).

Ga.—Georgia Dept. of Transp. v. Wyche, 332 Ga. App. 596, 774 S.E.2d 169 (2015), cert. granted, (Oct. 5, 2015).

Idaho—State v. Garcia, 159 Idaho 6, 355 P.3d 635 (2015).

Mo.—Blanchette v. Blanchette, 476 S.W.3d 273 (Mo. 2015).

N.H.—In Matter of Ball, 168 N.H. 133, 123 A.3d 719 (2015).

N.D.—Lavallie v. Lavallie, 2015 ND 69, 861 N.W.2d 164 (N.D. 2015).

Ohio—Rosen v. Celebrezze, 117 Ohio St. 3d 241, 2008-Ohio-853, 883 N.E.2d 420 (2008).

Wyo.—CSC Group Holdings, LLC v. Automation & Electronics, Inc., 2016 WY 26, 368 P.3d 302 (Wyo. 2016).

3 Conn.—Fairfield Merrittview Ltd. Partnership v. City of Norwalk, 320 Conn. 535, 2016 WL 730546 (2016).

Pa.—Ness v. York Tp. Bd. of Com'rs, 123 A.3d 1166 (Pa. Commw. Ct. 2015).

Tex.—Entergy Corporation v. Jenkins, 469 S.W.3d 330 (Tex. App. Houston 1st Dist. 2015).

4 Ala.—Russell v. Fuqua, 176 So. 3d 1224 (Ala. 2015).

Conn.—Fairfield Merrittview Ltd. Partnership v. City of Norwalk, 320 Conn. 535, 2016 WL 730546 (2016).

Del.—Gunn v. McKenna, 116 A.3d 419 (Del. 2015).

Mass.—Com. v. Porges, 460 Mass. 525, 952 N.E.2d 917 (2011).

Mo.—Blanchette v. Blanchette, 476 S.W.3d 273 (Mo. 2015).

Pa.—Ness v. York Tp. Bd. of Com'rs, 123 A.3d 1166 (Pa. Commw. Ct. 2015).

5 Ga.—Georgia Dept. of Transp. v. Wyche, 332 Ga. App. 596, 774 S.E.2d 169 (2015), cert. granted, (Oct. 5, 2015).

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6 Del.—Gunn v. McKenna, 116 A.3d 419 (Del. 2015).

Ga.—Georgia Dept. of Transp. v. Wyche, 332 Ga. App. 596, 774 S.E.2d 169 (2015), cert. granted, (Oct. 5, 2015).

N.C.—In re B.L.H., 767 S.E.2d 905 (N.C. Ct. App. 2015).

Tex.—Oncor Electric Delivery Company LLC v. Chaparral Energy, L.L.C., Util. L. Rep. P 27334, 2016 WL 156054 (Tex. App. El Paso 2016).

Va.—Swalef v. Anderson, 50 Va. App. 100, 646 S.E.2d 458 (2007).

Wyo.—CSC Group Holdings, LLC v. Automation & Electronics, Inc., 2016 WY 26, 368 P.3d 302 (Wyo. 2016).

7 N.C.—State v. Collins, 783 S.E.2d 9 (N.C. Ct. App. 2016).